

OGC Has Reviewed

*General*

MEMORANDUM FOR THE FILES

SUBJECT: Suit Against the United States.

28 Am. Jur., Injunctions, § 165.

"Against the United States. The United States Government is not liable to be sued except by its own consent given by law, and unless expressly permitted by act of Congress, no injunction can issue against it. Consequently, in a suit to restrain Federal officers, if the proceeding, although nominally against public officers, is in reality against the United States, the court will not grant the relief requested, even though the United States is not named as a party on the record. But a suit to obtain injunctive relief against Federal officers in respect of the performance of ministerial duties with which they are charged or to prevent illegal or wrongful acts by them is not a suit against the government."